

## Remarks

The indicated allowability of claims 2-10 is noted with appreciation. Rewriting of the claims in independent form is being deferred as allowance of claim 1, for the reasons discussed below, would preclude the need to do so.

In the latest Office Action, the Examiner repeated the rejection of claim 1 as being unpatentable over US 6,948,479 (Raney et al.). As was pointed out in the reply to the prior Office Action, Raney et al. does not qualify as prior art. The effective date of Raney et al. as a reference is September 1, 2004, whereas the subject application is a national phase of a PCT application filed on September 6, 2003 which claims priority of a European application dated September 9, 2002. In the latest Office Action on page 3 the Examiner agreed and indicated the rejection had been withdrawn, but this was not done. Therefore, request again is made for withdrawal of the rejection of claim 1.

In the "Response to Amendment" on page 3 of the latest Office Action, the Examiner states that US 6,948,479 (Bryd, Jr. et al.) "discloses the recited structure including the house (sic), the tubing within the housing and the resilient material between the tubing and the housing. Also disclosed is the two part enclosure to keep the resilient member within the housing." Although no rejection based on Bryd, Jr. et al. was set forth in the Office Action, the following comments are nonetheless provided to advance prosecution of this application to allowance.

Although Bryd, Jr. et al. has some similarity to the damper recited in claim 1, nowhere does such reference disclose or suggest a form-stable, two-part enclosure enclosing a damping element that is disposed radially between a rigid housing and a resilient hose member, which form-stable, two-part enclosure is inserted with a positive fit in the rigid housing. Thus, it is not seen how Bryd, Jr. et al. can form the basis for any rejection of claim 1.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

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